

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
S/S Eastern Avenue, E of * OF BALTIMORE COUNTY
North Point Boulevard *
Eastpoint Mall * CASE # 91-199-SPHA
15th Election District *
7th Councilmanic District *
Shearson Shopco Ltd. *
Partnership *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4302 parking spaces in lieu of the required 4772 parking spaces as originally approved in zoning case No. 73-292-A and a Petition for Special Hearing to approve an amendment to the order and the site plan approved in zoning case No. 73-292-A, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Richard Smith, a Professional Engineer, appeared and testified. Also appearing on behalf of the Petitions was Vince Hoskunas of M & H Development Engineering. Also in attendance in support of the Petition was Phyllis Taylor, on behalf of the Baltimore County Department of Economic Development. There were no Protestants.

Testimony indicated that the subject property is located within the development known as Eastpoint Mall and is slated to become the site of a proposed Sears Store.

Mr. Richard Smith testified that Petitioner purchased approximately 5 acres from Baltimore Gas and Electric Company for the construction of a 65,000 square foot retail store which will include a parking area underneath

the building. Mr. Smith testified that a portion of the property has been designated as wetlands and will be preserved as such, as indicated on Petitioner's Exhibit No. 1.

Mr. Smith indicated that the proposed parking plan is adequate to serve the parking demands of this retail facility.

Ms. Phyllis Taylor appeared on behalf of the Baltimore County Department of Economic Development and indicated that said department supports the requested relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result

ORDER RECEIVED FOR FILING
Date 10/19/91
By [Signature]

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the order and the site plan approved in zoning case 73-292A (see attached brief).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): Shearson Shopco Limited Partnership (Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner: (Type or Print Name)	1480 Broadway Address New York, New York 10001 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
City and State	Address
Attorney's Telephone No.:	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31 day of Oct, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23 day of Jan, 1991, at 11 o'clock A.M.

FILED 10/19/91 BY [Signature]
ZONING COMMISSIONER OF BALTIMORE COUNTY

DATE 10/19/91
BY [Signature]

(over)

If the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Further, it is clear from the testimony and evidence that the Petitioner for a Special Hearing to amend the site plan in case No. 73-292-A satisfies the requirements of Section 502.1 of the B.C.Z.R. and, therefore, should also be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and zoning variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of February, 1991 that the Petition for Zoning Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4302 parking spaces in lieu of the required 4772 parking spaces as originally approved in zoning case No. 73-292-A, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Special Hearing to approve an amendment to the order and the site plan approved in zoning case No. 73-292-A, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible

ORDER RECEIVED FOR FILING
Date 10/19/91
By [Signature]

KIDDE CONSULTANTS, INC.

REASONS FOR SPECIAL HEARING

The subject property comes before the Zoning Commissioner or The Deputy Zoning Commissioner to amend the order and the site plan approved in case number 73-292A. In that case a plan was approved in conjunction with a variance request for offstreet parking which was granted. The variance allowed the site to be under the parking requirement by 400 spaces.

Since the granting of that variance the property has been sold to the current legal owners who wish to upgrade and expand the shopping center. As part of the expansion the owners have purchased and added to the site 5.121 acres of additional land which will be used in part for a relocation of the sites "ring" road, a new addition of retail space and additional parking.

In conjunction with the modifications and additions to the site plan there is also a need to increase the previously granted variance of 400 car spaces granted in case 73-292A. The need to variance an additional 70 spaces is because of wetlands encountered on the 5 acre purchase which prevents an expansion of parking to accommodate these 70 spaces. Additionally, the Zoning Office has determined that parking is required for a 15,956 square foot storage and maintenance area. This requirement is the reason there are 70 more parking spaces required on the site.

ORDER RECEIVED FOR FILING
Date 10/19/91
By [Signature]

for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 10/19/91
By [Signature]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6A.2 to permit 4302 parking spaces in lieu of the required 4772 parking spaces as originally approved in zoning case 73-292A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Hardship and practical difficulty. Baltimore County Office of Zoning has determined that a 15,956 sq. ft. area to be used for storage is not "underground" and therefore parking is required for this area. To provide the parking would mean encroaching into an environmentally sensitive area which could not be relocated on this property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)	Legal Owner(s): David Flynn V.P. (Type or Print Name)
Signature	Signature
Address	Shearson Shopco Limited Partnership (Type or Print Name)
City and State	Signature
Attorney for Petitioner: (Type or Print Name)	1480 Broadway Address New York, New York 10001 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
City and State	Address
Attorney's Telephone No.:	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31 day of Oct, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23 day of Jan, 1991, at 11 o'clock A.M.

FILED 10/19/91 BY [Signature]
ZONING COMMISSIONER OF BALTIMORE COUNTY

DATE 10/19/91
BY [Signature]

(over)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



110 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 20, 1991

Mr. Steven Sowash
Shopco Management Corporation
7839 Northpoint Boulevard
Baltimore, Maryland 21224

RE: Petitions for Special Hearing and Zoning Variance
Shearson Shopco Ltd., Petitioner
Case #91-199-SPHA

Dear Mr. Sowash:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Please be advised that the address of Shearson Shopco Ltd. Partnership, 1480 Broadway, New York, N.Y. 10001 listed on the Petitions is a bad address. Please see that Mr. David Flynn receives a copy of this Order.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel
cc: Mr. Richard Smith
Professional Engineer
Kidde Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204
cc: Phyllis Taylor, Dept. of Economic Development

KIDDE CONSULTANTS, INC.
DESCRIPTION
EASTPOINT MALL
EASTERN AVENUE AND NORTH POINT BOULEVARD
ELECTION DISTRICT 15, BALTIMORE COUNTY, MARYLAND

This description is to accompany the petition for a parking variance and a special Hearing to Amend the previously approved Site Plan.

BEGINNING FOR THE SAME at a point in the northeasterly side of North Point Boulevard where it is intersected by the easterly side of the road connecting North Point Boulevard to the southeasterly side of Eastern Avenue; thence binding on the said connector road the four following courses and distances:

1. North 00 degrees 46 minutes 11 seconds West 329.46 feet;
2. North 37 degrees 01 minutes 19 seconds East 137.41 feet;
3. North 66 degrees 07 minutes 18 seconds East 291.82 feet; thence
4. North 13 degrees 59 minutes 41 seconds West 16.45 feet to the southeast side of Eastern Avenue as widened to a varying width; thence binding thereon
5. North 67 degrees 00 minutes 36 seconds East 181.89 feet;
6. North 74 degrees 23 minutes 46 seconds East 157.60 feet;
7. North 71 degrees 39 minutes 29 seconds East 160.07 feet;
8. North 68 degrees 52 minutes 06 seconds East 168.80 feet;
9. North 73 degrees 56 minutes 31 seconds East 185.16 feet;
10. North 70 degrees 13 minutes 34 seconds East 160.00 feet;

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 3628

Date: 1/21/91

Receipt

PUBLIC HEARING FEES	QTY	PRICE
REG ZONING VARIANCE (OTHER)	1 X	\$175.00
GRD - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL:		\$350.00

LAST NAME OF OWNER: SHEARSON SHOPCO

0400440092NICHRC
BA C010431A110-11-90 \$350.00

Please make checks payable to: Baltimore County

Further Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 1/14/91

Posted for: Special Hearing of Variance

Petitioner: Shearson Shopco Limited Partnership

Location of property: 8th Eastern Ave. - E of North Point Blvd.

Location of Signs: 2 Signs Facing East on 8th & 2 Signs Facing N. Point Blvd.

Remarks: All signs 8' x 4' roadway

Posted by: [Signature] Date of return: 1/14/91

Number of Signs: 4

CONSULTANTS, INC.
Description
Eastpoint Mall
October 9, 1990
Page 2

- 91-199-SPHA
11. North 67 degrees 03 minutes 42 seconds East 217.39 feet;
 12. North 70 degrees 13 minutes 34 seconds East 316.40 feet;
 13. North 67 degrees 47 minutes 56 seconds East 141.68 feet;
 14. South 29 degrees 32 minutes 43 seconds East 26.00 feet;
 15. North 60 degrees 27 minutes 17 seconds East 186.33 feet;
 16. North 70 degrees 13 minutes 34 seconds East 199.03 feet to the westernmost side of a Baltimore Gas & Electric Company Right of Way (205' wide), thence binding thereon
 17. South 00 degrees 20 minutes 25 seconds East 249.70 feet; thence at a right angle
 18. North 89 degrees 39 minutes 35 seconds East 15.00 feet; thence
 19. South 00 degrees 20 minutes 25 seconds East 414.60 feet to the northernmost side of the Baltimore City Sanitary Sewer Outfall Right of Way; thence binding thereon
 20. by a curve to the right with a radius of 918.00 feet and arc distance of 162.65 feet with a chord bearing North 71 degrees 26 minutes 58 seconds West 162.44 feet; thence
 21. North 66 degrees 22 minutes 25 seconds West 182.00 feet to the west side of other land of The Baltimore Gas and Electric Company; thence binding on said land

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 1/14/91

Posted for: Special Hearing of Variance

Petitioner: Shearson Shopco Limited Partnership

Location of property: 8th Eastern Ave. - E of North Point Blvd.

Location of Signs: 2 Signs Facing East on 8th & 2 Signs Facing N. Point Blvd.

Remarks: All signs 8' x 4' roadway

Posted by: [Signature] Date of return: 1/14/91

Number of Signs: 4

NOTICE OF HEARING.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitioner for Special Hearing and Zoning Variance:

CASE NUMBER: 91-199-SPHA

8th Eastern Avenue, E of North Point Boulevard (Eastpoint Mall) 15th Election District - 7th Councilmanic

Petitioner(s): Shearson Shopco Limited Partnership

HEARING: WEDNESDAY, JANUARY 23, 1991 AT 11:00 A.M.

Special Hearing to approve an amendment to the Order and use plan approved in Zoning Case #73-262-A. Variance to permit 4,202 parking spaces in lieu of the required 4,772 parking spaces as originally approved in Zoning Case #73-262-A.

J. Robert Haines
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., Dec 14 1990

This is to Certify, That the annexed Notice was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 14th day of Dec, 1990.

[Signature] Publisher.

CONSULTANTS, INC.
Description
Eastpoint Mall
October 9, 1990
Page 3

- 91-199-SPHA
22. South 00 degrees 20 minutes 25 seconds East 60.63 feet, more or less
 23. South 66 degrees 22 minutes 25 seconds East 216.64 feet
 24. By a curve to the right with a radius of 1343.25 feet and an arc distance of 80.26 feet and with a chord distance of South 68 degrees 04 minutes 59 seconds East 80.25 feet, thence continuing to bind on the aforementioned Gas Company Right of Way
 25. South 00 degrees 21 minutes 07 seconds East 880.41 feet
 26. South 49 degrees 11 minutes 13 seconds East 103.35 feet
 27. South 00 degrees 20 minutes 25 seconds East 458.46 feet to the northeast side of North Point Boulevard as recently widened at its intersection with Merritt Boulevard, thence binding thereon
 28. North 86 degrees 47 minutes 19 seconds West 39.58 feet to the northeast side of North Point Boulevard (150 feet wide), thence binding thereon
 29. North 70 degrees 12 minutes 57 seconds West 103.55 feet
 30. North 19 degrees 47 minutes 03 seconds East 23.00 feet
 31. North 70 degrees 12 minutes 57 seconds West 45.00 feet
 32. South 19 degrees 47 minutes 03 seconds West 23.00 feet

NOTICE OF HEARING.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitioner for Special Hearing and Zoning Variance:

CASE NUMBER: 91-199-SPHA

8th Eastern Avenue, E of North Point Boulevard (Eastpoint Mall) 15th Election District - 7th Councilmanic

Petitioner(s): Shearson Shopco Limited Partnership

HEARING: TUESDAY, JAN 23, 1991 AT 11:00 A.M.

Special Hearing to approve an amendment to the Order and use plan approved in Zoning Case #73-262-A. Variance to permit 4,202 parking spaces in lieu of the required 4,772 parking spaces as originally approved in Zoning Case #73-262-A.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
12/10/90 Dec 13

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-20, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-13, 1990

THE JEFFERSONIAN.

[Signature]
Publisher

\$ 36.30

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 1/21/91

Account: R-001-6150
Number:

Receipt

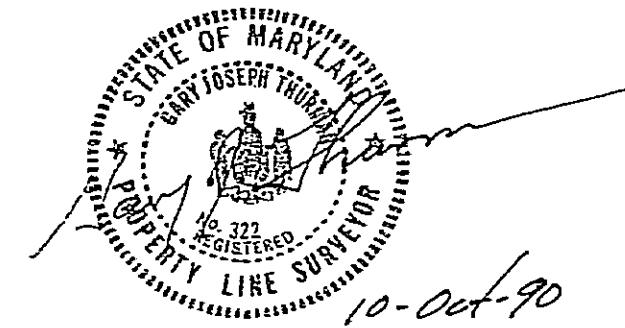
PUBLIC HEARING FEES	QTY	PRICE
REG - POSTING SIGNS / ADVERTISING	1	\$17.50

Other Validation:

Please make checks payable to: Baltimore County

KIDDE CONSULTANTS, INC.
Description
Eastpoint Mall
October 9, 1990
Page 4

- 91-199-SPHA
33. North 70 degrees 12 minutes 57 seconds West 2303.94 feet to the point of beginning.
- CONTAINING 66.438 Acres of land, more or less
- J.O. 1-90111



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1-21-91

Shearson Shopco Limited Partnership
1460 Broadway
New York, New York 10001

ATTN: DAVID FLYNN, Vice-President

RE: Petition for Special Hearing and Zoning Variance
CASE NUMBER: 91-199-SPHA
8th Eastern Avenue, E of North Point Boulevard (Eastpoint Mall)
15th Election District - 7th Councilmanic
Petitioner(s): Shearson Shopco Limited Partnership
HEARING: WEDNESDAY, JANUARY 23, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 117.55 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please note your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

JOHN HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 4, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing and Zoning Variance
CASE NUMBER: 91-199-SPHA
S/S Eastern Avenue, E of North Point Boulevard
(Eastpoint Mall)
15th Election District - 7th Councilmanic
Petitioner(s): Shearson Shopco Limited Partnership
HEARING: WEDNESDAY, JANUARY 23, 1991 at 11:00 a.m.

Special Hearing to approve an amendment to the Order and site plan approved in Zoning Case #73-292-A.

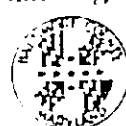
Variance to permit 4,302 parking spaces in lieu of the required 4,772 parking spaces as originally approved in Zoning Case #73-292-A.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Shearson Shopco Limited Partnership

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 10, 1990

Mr. David Flynn
Shearson Shopco Limited Partnership
1480 Broadway
New York, NY 10001

RE: Item No. 157, Case No. 91-199-SPHA
Petitioner: Shearson Shopco Ltd
Petition for Special Hearing and
Zoning Variance

Dear Mr. Flynn:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIVIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
31st day of October, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Shearson Shopco Ltd, et al

Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(800) 887-3353

November 28, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 153, 155, 156, and 157.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

NSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 30, 1990

received
11/2/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-23

SUBJECT: ZONING ITEM #: 157
PROPERTY OWNER: Shearson Shopco Limited Partnership
LOCATION: S/S Eastern Avenue, E of North Point Blvd.
(Eastpoint Mall)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

PARKING LOCATION RAMP (degree slope)
NUMBER PARKING SPACES CURB CUTS
BUILDING ACCESS SIGNAGE

PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(800) 887-4500

Paul H. Reincke
Chief

OCTOBER 25, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: SHEARSON SHOPCO LIMITED PARTNERSHIP
Location: S/S EASTERN AVENUE
Item No.: 157 Zoning Agenda: OCTOBER 30, 1990

Gentlemen:

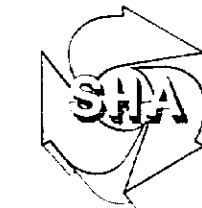
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Joseph Kelly 10/25/90* Noted and Approved
Planning Group Fire Prevention Bureau

JK/KEK

received
1-15-90



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 24, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: Mr. James Dyer

Re: Baltimore County
Zoning meeting 10/30/90
Shearson Shopco
Limited Partnership
(Eastpoint Mall)
S/S Eastern Avenue
MD 150
Item # 157

ZONING OFFICE

Dear Mr. Haines:

We have reviewed the submittal for a special hearing to approve an amendment to the order and site plan approved in zoning case # 73-292-A and find the plan acceptable, having adequate access.

If you have any questions, please call Larry Brocato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LBles

cc: Kiddle Consultants, Incorporated
Mr. J. Ogle

received
10/29/90

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Metro - 565-6451 D.C. Metro - 1-800-452-2062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 30, 1990

received
11/2/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-23

SUBJECT: ZONING ITEM #: 157
PROPERTY OWNER: Shearson Shopco Limited Partnership
LOCATION: S/S Eastern Avenue, E of North Point Blvd.
(Eastpoint Mall)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

PARKING LOCATION RAMP (degree slope)
NUMBER PARKING SPACES CURB CUTS
BUILDING ACCESS SIGNAGE

PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(800) 887-4500

Paul H. Reincke
Chief

OCTOBER 25, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: SHEARSON SHOPCO LIMITED PARTNERSHIP
Location: S/S EASTERN AVENUE
Item No.: 157 Zoning Agenda: OCTOBER 30, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Joseph Kelly 10/25/90* Noted and Approved
Planning Group Fire Prevention Bureau

JK/KEK

received
1-15-90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 26, 1990

FROM: Robert W. Powling, P.E.

RE: Zoning Advisory Committee Meeting
for October 30, 1990

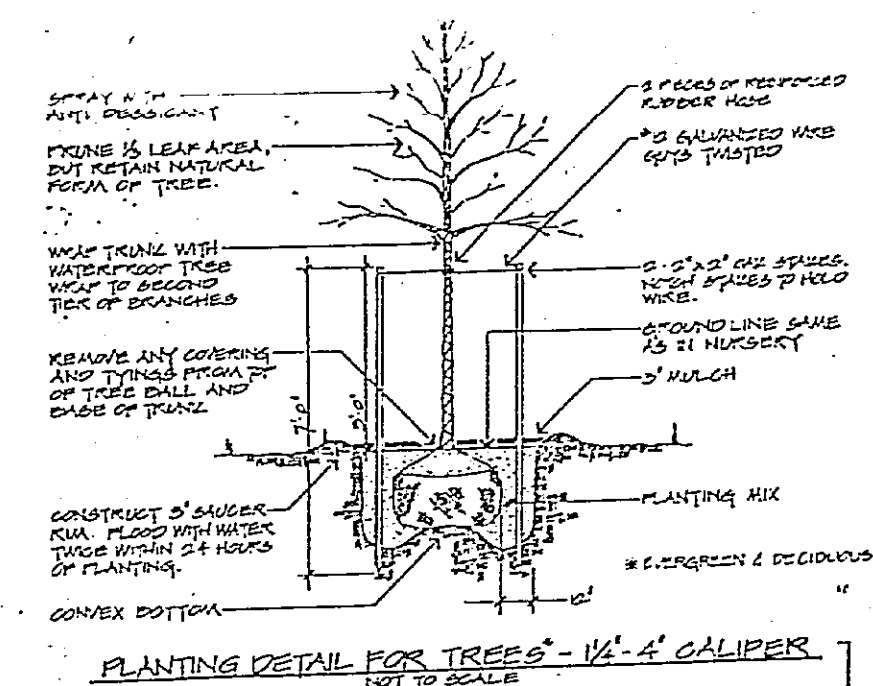
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 154, 156, and 158.

Items 153, 157, and 159 are subject to the previous County Review Group comments.

For Item 155, the south side lot line is 135.12 feet instead of 158.18 feet as shown.

Robert W. Powling
ROBERT W. POWLING, P.E., Chief
Developers Engineering Division

RWB:s



LANDSCAPE TABULATION

1. RID OF INTERIOR ROAD = 20 = 96 P.U.'s
 2. O LF OF ADJACENT ROADWAY = 0 P.U.'s
 3. 500 P.O. = 12 = 32 P.U.'s
 4. 0 LF ADJACENT TO RESIDENTIAL = 0 P.U.'s
 5. 0 LF OF PUMP/STOCK (BULKHEAD) = 15 P.U.'s
 6. 0 LF OF PUMP/STOCK (BULKHEAD) = 15 P.U.'s
- TOTAL P.U.'s REQ'D 123
TOTAL P.U.'s REQ'D 123
- MAJOR TREES 15 = 96 P.U.'s
MINOR TREES 10 = 5 P.U.'s
EVERGREENS 16 = 13 P.U.'s
SHRUBS 20 = 1 P.U.'s

7. 76 LANDSCAPED RESTORATION AREA: 12471 SF (PRING AREA) X .07 = 9007 SF REQUIRED LANDSCAPED AREA
- LANDSCAPED AREA PROVIDED = 10641 SF

EX. BUILDING HUTZLER'S

NOTES:
EXIST. 3 5/8\"/>

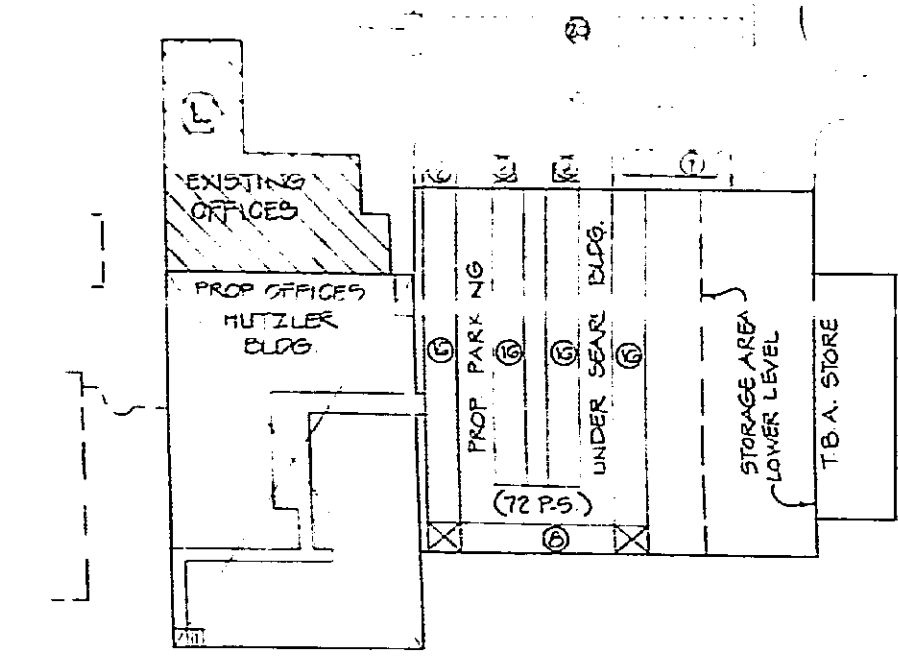
NOTE:
FOR FINAL SITE PLAN SEE PLAN PREPARED BY PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AVE. TOWSON, MD. 21204

PLAN
SCALE 1\"/>

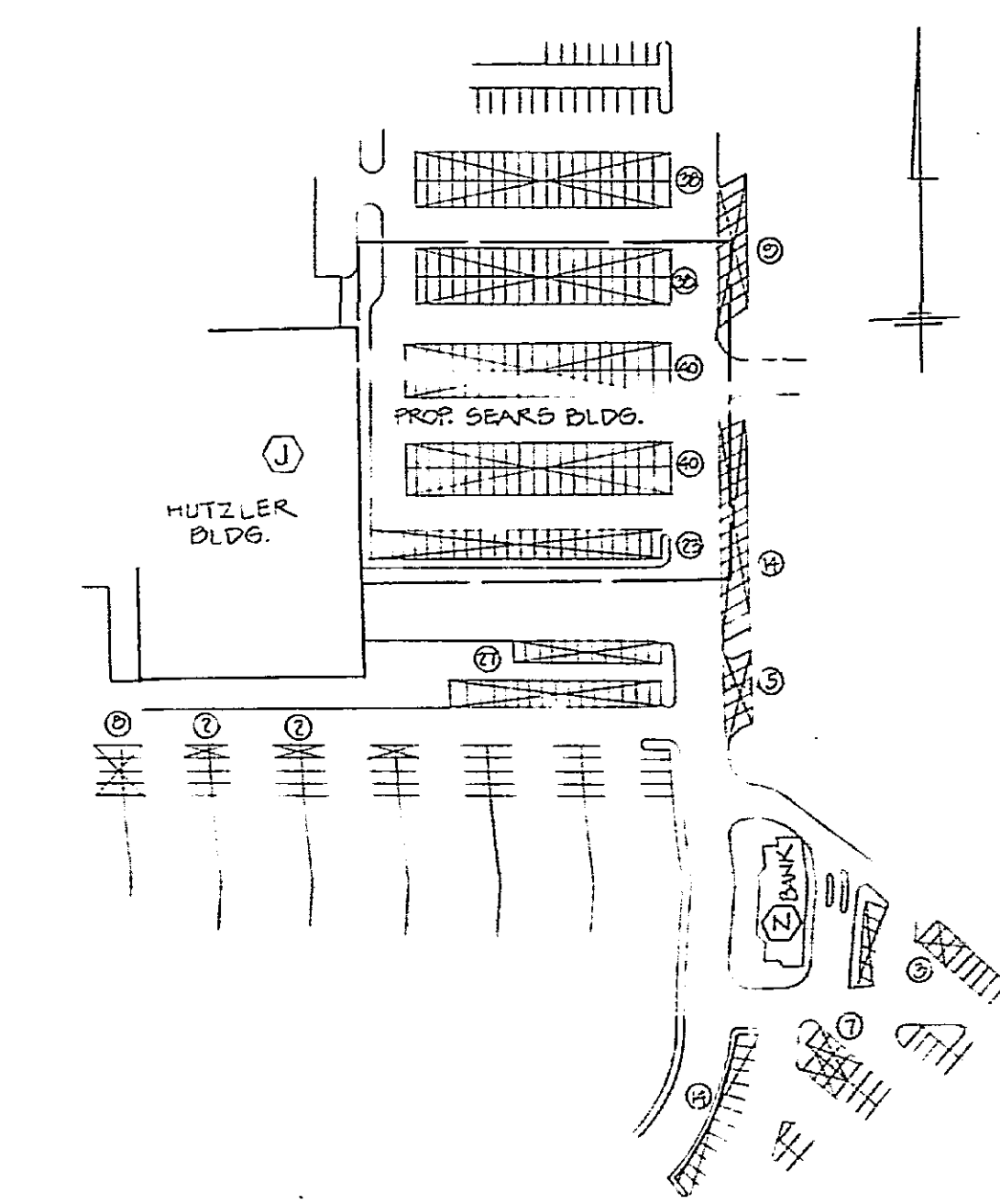
FOREST BUFFER EASEMENT LINE (SEE P. 12)
NATURAL BUFFER LINE

WATER QUALITY TRAIL SEE DETAIL
OL. IRRIG. & FILTRATION CUTH
LIMIT OF WETLAND

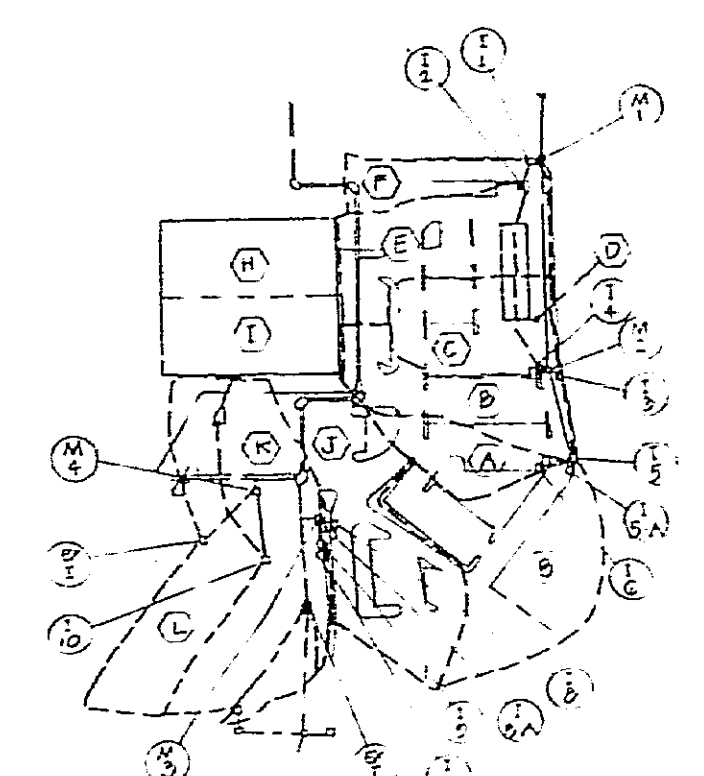
EX. BUILDING HUTZLER'S
NEW SEARS
NEW T.O.A. BLDG.
UNDERGROUND PARKING
EX. GROUND
SECTION "A-A"
NO SCALE



LOWER LEVEL PLAN
EXISTING HUTZLER BLDG. & PROPOSED SEARS BLDG.
SCALE 1\"/>



PLAN OF EX. PARKING SPACES LOST (260)
SCALE 1\"/>



DRAINAGE AREA MAP
SCALE 1\"/>

EXHIBIT 2

91-1995 PHA

